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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12406 of 2022

1. Vivek
2. Vinoth

... Petitioners/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Sakkotai Police Station,
Sivagangai District.
(Crime.No.111 of 2022).

... Respondent/Complainant

For Petitioners: M/s. Jerin Mathew.M, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

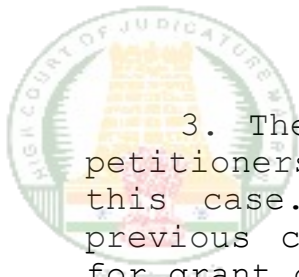
PRAYER :-

For Anticipatory Bail in Crime No. 111 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused (Rank Not Known), apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 363, 342, 294(b), 324 and 506(ii) of I.P.C, in Crime No.111 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that on 03.07.2022, when he visited the Tailor Shop of one Mani for charging his mobile, trouble arose between him and the sons of the above said shop owner. He was assaulted. Thereafter, on 04.07.2022, at about 02.00 p.m, he was kidnapped, assaulted and harassed. Further, he was also criminally intimidated. Based upon the above said complaint, this case has been registered.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. The injured was discharged from the hospital and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) would submit that counter case has been registered in Crime No.112 of 2022 on the basis of the complaint given by one Vijay, who is the one of the son of the above said Mani stating that on 03.07.2022, at about 04.30 p.m, when he and his brother were in Tailor shop of their father, the accused person came there and took away the mobile phone, which was kept in the shop. When that was demanded back, trouble arose between them and they made assault against each other and sustained injury. Both were taken to the hospital. In both sides, injured were discharged from the hospital and no bad antecedents is reported against the petitioners.

5. Reading of the counter case shows that, there was trouble arose between two groups of people over the petty issue.

6. Considering the facts and circumstances of the case and also considering the fact that trouble arose over the petty issue, the injured were discharged from the hospital in both cases and no bad antecedents is reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
11/07/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SAKKOTAI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. JERIN MATHEW.M Advocate SR.No.6946

ORDER
IN
CRL OP(MD) No.12406 of 2022
Date :11/07/2022

SP/SVR/SAR III/18/07/2022/3P/6C